

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

RICHARD S. GALE,

Plaintiff,

vs.

FIRST FRANKLIN LOAN SERVICES, et al.,

Defendants.

Case No. 2:08-cv-01615-RCJ-PAL

**ORDER**

(Substitution of Counsel - Dkt. #83)

This matter is before the court on a Substitution of Counsel (Dkt. #83). It seeks to substitute Gregg A. Hubley and Crystal M. Tatco in the place and stead of Michelle L. Abrams as counsel for Defendant Cal-Western Reconveyance Corporation (“Cal-Western”). LR IA 10-6(c) requires that any stipulation to substitute attorneys shall be by leave of court and shall bear the signature of the attorneys and the client represented. It provides that the signature of an attorney to substitute into a case “constitutes an express acceptance of all dates then set for pretrial proceedings, for trial or hearing, by the discovery plan, or in any court order.” LR IA 10-6(d) also provides that the substitution of an attorney “shall not alone be reason for delay of pretrial proceedings, discovery, the trial, or any hearing in this case.”

Plaintiff filed his Complaint (Dkt. #1) on November 19, 2008. In an Order (Dkt. #50) entered June 23, 2009, the district judge granted Defendants’ Motion to Dismiss (Dkt. #33). Plaintiff appealed to the Ninth Circuit. *See* Notice of Appeal (Dkt. #53). On August 31, 2012, the Ninth Circuit entered its Order and Amended Opinion (Dkt. #72), affirming in part and vacating in part the judgment. The Mandate (Dkt. #73) was spread on the record on September 21, 2012. *See* Order on Mandate (Dkt. #75). Defendants First Franklin, First Franklin Loan Services, LaSalle bank National Association and Mortgage Electronic Registration System filed a Motion to Dismiss Remanded Claims as Moot (Dkt

1 #76) on September 27, 2012 which is fully briefed and under submission to the district judge.  
2 Defendant Cal-Western filed a Motion to Dismiss (Dkt. #80) and request for Judicial Notice (Dkt # 81)  
3 on October 25, 2012.

4 Having reviewed and considered the matter, and good cause appearing,

5 **IT IS ORDERED** that Defendant Cal-Western's request to substitute Gregg A. Hubley and  
6 Crystal M. Tatco in the place and stead of Michelle L. Abrams is GRANTED, subject to the provisions  
7 of LR IA 10-6(c) and (d).

8 **IT IS FURTHER ORDERED** that the parties shall conduct a Rule 26(f) conference and  
9 submit a proposed discovery plan and schedule within 30 days of decision of the pending motions to  
10 dismiss as to any claim that survives.

11 Dated this 30th day of October, 2012.

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13 PEGGY A. LEEN  
14 UNITED STATES MAGISTRATE JUDGE  
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